PARENT AND CHILD — WHETHER MARRIAGE OF INFANT EMANCIPATES HIM. — Two minors above the age of consent married. The wife obtained a divorce and a decree for temporary alimony. The defendant had no property, and his father received his wages and services. *Held*, that he is not in contempt for failure to pay the alimony. *Austin* v. *Austin*, 132 N. W. 495 (Mich.).

By the great weight of authority the lawful marriage of an infant, whether with or without the parent's consent, entitles the infant to his earnings for the support of his family. *Commonwealth* v. *Graham*, 157 Mass. 73, 31 N. E. 706; *Aldrich* v. *Bennett*, 63 N. H. 415. *Contra*, *White* v. *Henry*, 24 Me. 531. The highest considerations of public policy demand that this be so. In allowing infants to contract a new relationship, the obligations of which are inconsistent with those of a child toward its parent, the law should sever the latter so that the infant wife may enjoy the companionship and protection of her husband, and the infant husband may apply his earnings to the maintenance of his new family. The principal case, decided on the ground that marriage alone does not emancipate a male minor, would therefore seem to be opposed to authority and wrong on principle. However, it follows the established rule of its jurisdiction. *People* v. *Todd*, 61 Mich. 234, 28 N. W. 79.

PRESCRIPTION — PROFIT À PRENDRE — ACQUIREMENT BY THE PUBLIC OF RIGHT OF FISHING IN PRIVATE WATERS — ACQUIREMENT BY FREEHOLD INHABITANTS OF RIGHT OF FISHING IN PRIVATE WATERS. — The plaintiff claimed the exclusive right of fishing in a large navigable but non-tidal lake, through grants by the Crown in 1605 and certain evidence of possession at various times thereafter. The public had for centuries openly, as of right, and without interruption, fished in the lake. *Held*, that the plaintiff is entitled to an injunction restraining one of the public from fishing. *Johnston* v. *O'Neill*, [1911] A. C. 552.

Riparian proprietors along a navigable but non-tidal river claimed the exclusive right of fishing therein. Freeholders in certain parishes along the river had for centuries, openly, continuously, and as of right, fished in the river for commercial purposes. *Held*, that the riparian proprietors have the exclusive right claimed. *Harris* v. *Earl of Chesterfield*, [1911] A. C. 623. See NOTES, p. 280.

PUBLIC SERVICE COMPANIES — RIGHTS AND DUTIES — DISCRIMINATION IN RAILROAD RATES FOR SUBURBAN SERVICE. — An electric railway company for seven years maintained exceptionally low rates, which resulted in the growth of a large suburban population composed of those employed in neighboring cities. Thereafter a general advance in rates made it impossible for most of these people to afford the daily trip and they were moving back to the cities in large numbers. On a complaint made against the advance, the state railroad commission ordered the restoration of the old rates within a ten-mile zone. These rates were shown to be unremunerative beyond covering the cost of the service, but it appeared that through the advanced rates allowed to remain upon the balance of the company's traffic, it was able to earn a profit of seven per cent upon its total capitalization. The company appealed from the order of the commission. *Held*, that the order be sustained. *Puget Sound Electric Ry.* v. *Railroad Commission*, 117 Pac. 739 (Wash.). See NOTES, p. 276.

RECEIVERS — ANCILLARY APPOINTMENT OF RECEIVERS IN FEDERAL COURTS. — Receivers were properly appointed for a company in the Federal Circuit Court of Delaware. They filed an *ex parte* bill, which was granted, in an Illinois Circuit Court to confirm their previous appointment, and, as ancillary to that appointment, appoint them receivers in that district. The bill prayed

for no distinct equitable relief. *Held*, that this proceeding does not invest these foreign receivers with powers to sue in Illinois. *Fairview Fluor Spar & Lead Co.* v. *Ulrich*, 44 Chic. Leg. News 81 (C. C. A., Seventh Circ.). See NOTES, p. 282.

RIGHT OF SUPPORT — DRAINAGE OF PERCOLATING WATERS. — The defendant, while draining its land, withdrew water from the subterranean soil of the plaintiff's adjoining land. This caused a consolidation of the earth and a settlement of the surface, to the damage of the plaintiff. *Held*, that the plaintiff cannot recover. *New York, etc. Filtration Co.* v. *Jones*, 39 Wash. L. R. 718 (D. C., Ct. App.).

This case seems to be the first American decision on the subject. It follows the well-settled English rule that the right of lateral support of an adjoining landowner is subordinate to one's own right of intercepting percolating waters. *Popplewell* v. *Hodkinson*, L. R. 4 Exch. 248; *North-Eastern Ry. Co.* v. *Elliot*, 1 Johns. & H. 145. The reason for this doctrine is that otherwise there would be a tendency to restrict the improvement of land for engineering, agricultural, and similar purposes. See 20 HARV. L. REV. 487.

TORTS — INTERFERENCE WITH BUSINESS OR OCCUPATION — COMPETITION BETWEEN WHOLESALER AND RETAILER. — The defendant, a wholesaler of oil, when the plaintiff, a retailer, began purchasing of other wholesalers, entered into the retail business to drive the plaintiff from business, and by means which involved trespasses and fraud ruined the plaintiff's business. The defendant then retired from the retail business. *Held*, that the plaintiff has a cause of action against the defendant. *Dunshee* v. *Standard Oil Co.*, 132 N. W. 371 (Ia.).

Modern authority holds an intentional interference with the plaintiff's business an actionable wrong which calls for justification. *Jersey City Printing Co.* v. *Cassidy*, 63 N. J. Eq. 759, 53 Atl. 230. See *Mogul Steamship Co.* v. *McGregor, Gow & Co.*, 23 Q. B. D. 598, 613. If the defendant is directly or indirectly a real business competitor of the plaintiff, he is justified, unless methods unlawful *per se* are used. *Robison* v. *Texas Pine Land Association*, 40 S. W. 843 (Tex.). Cutting prices is not a method of business which of itself will destroy the justification of competition. *Passaic Print Works* v. *Ely & Walker Dry Goods Co.*, 105 Fed. 163; *Mogul Steamship Co.* v. *McGregor, Gow & Co.*, *supra*. The principal case professes to follow a case holding a banker liable for setting up a barber shop, not for profit, but solely to injure the plaintiff's business. *Tuttle* v. *Buck*, 107 Minn. 145, 119 N. W. 946. See 22 HARV. L. REV. 616. But in that case there was no competition between the parties, and hence no justification. There are competitive interests which justify a retailer's attempt to control the business policy of a wholesaler of the same commodity. *Bohn Mfg. Co.* v. *Hollis*, 54 Minn. 223, 55 N. W. 1119. The same interests would seem to justify a wholesaler's attempt to control the business policy of a retailer. The actual decision of the principal case is correct, since fraud and trespass are means which are unlawful *per se*, and hence destroy the justification of competition. *American Waltham Watch Co.* v. *United States Watch Co.*, 173 Mass. 85. It was unnecessary, therefore, for the court to take the ground that the purpose of the defendant itself destroyed that defense. *Cf. Dunshee* v. *Standard Oil Co.*, 126 N. W. 342 (Ia.).

TRUSTS — CREATION AND VALIDITY — BEQUEST UPON SECRET UNDERSTANDING. — A woman who desired to leave her property to certain charities was warned by her solicitor that such a bequest would be void under the local mortmain statute. She therefore made an absolute bequest to a trust company of which the solicitor was an assistant trust officer. *Held*, that there is a trust for charity rendering the gift void. *In re Stirk's Estate*, 81 Atl. 187 (Pa.).